

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Jerome Crosson,

Petitioner,

—v—

M. Recktendald, Warden,

Respondent.

USDC SDNY
DOCUMENT
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DOC #:
DATE FILED: FEB 18 2015

14-CV-1865 (AJN) (JCF)

ORDER ADOPTING
REPORT AND
RECOMMENDATION

ALISON J. NATHAN, District Judge:

Before the Court is Magistrate Judge James C. Francis IV's Report and Recommendation ("Report") dated August 28, 2014 recommending the denial of Jerome Crosson's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Dkt. No. 19. As of February 17, 2015, no objections to the Report have been filed.

District courts may designate magistrate judges to hear and determine certain dispositive motions and to submit proposed findings of fact and a recommendation as to those motions. 28 U.S.C. § 636(b)(1). Any party wishing to object to a magistrate judge's report and recommendation must do so within fourteen days after being served with a copy of the report and recommendation. *Id.* If a party submits a timely objection to a report and recommendation, the district court reviews *de novo* those portions to which the party objected. *Id.*; see also *Norman v. Astrue*, 912 F. Supp. 2d 33, 39 (S.D.N.Y. 2012). Otherwise, "[w]here no 'specific written objection' is made, the district court may adopt those portions 'as long as the factual and legal basis supporting the findings and conclusions set forth . . . are not clearly erroneous or contrary to law.'" *Norman*, 912 F. Supp. 2d at 39 (quoting *Eisenberg v. New England Motor Freight, Inc.*, 564 F. Supp. 2d 224, 226-27 (S.D.N.Y. 2008)). "A decision is 'clearly erroneous' when the reviewing Court is left with the definite and firm conviction that a mistake has been committed."

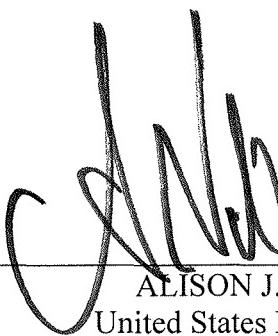
Courtney v. Colvin, No. 13 Civ. 02884 (AJN), 2014 U.S. Dist. LEXIS 4559, at *3-4 (S.D.N.Y. Jan. 14, 2014) (quoting *Laster v. Mancini*, No. 07 Civ. 8265 (DAB), 2013 U.S. Dist. LEXIS 138599, at *6-7 (S.D.N.Y. Sept. 25, 2013)).

Because no party filed an objection to Judge Francis's Report, the Report is reviewed for clear error. Finding no clear error in Judge Francis's thorough and well-reasoned Report, it is adopted in its entirety as the opinion of the Court. *See, e.g., Beller v. Astrue*, No. 12 CV 5112 (VB), 2013 U.S. Dist. LEXIS 79541, at *2-3 (S.D.N.Y. June 5, 2013). Therefore, Petitioner's petition for a writ of habeas corpus pursuant to § 2241 is DENIED.

In addition, the Court declines to issue a certificate of appealability. Petitioner has not made a substantial showing of a denial of a federal right, and appellate review is therefore not warranted. *See Love v. McCray*, 413 F.3d 192, 195 (2d Cir. 2005). The Court also finds, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith. *See Coppededge v. United States*, 369 U.S. 438, 445 (1962). The Clerk of Court shall dismiss this petition and close this case.

SO ORDERED.

Dated: February 18, 2015
New York, New York



ALISON J. NATHAN
United States District Judge